

# Boston Employment Commission Hearing Minutes

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A monthly hearing of the Boston Employment Commission (**BEC**) was held virtually on Zoom, June 17, 2020.

## Commissioners

**Present: Commissioner Travis Watson and Commissioner Charles Cofield**

**Hearing Begins: 1:12 PM**

Commissioner Watson called Hearing to order.

## I. MINUTES

The February 19, 2020 minutes were **not approved** due to lack of Quorum.

## II. SPECIAL PRESENTATION

### A. Whittier Apartments Phase 2

**Duration 10 mins.**

**Present: Andre Barbour (NEI), Meena Jacobs Preservation of Affordable Housing (POAH), Roxcell Rigby (POAH) and Robert Woodson (BRJP Construction Monitor)**

### Project Overview

**Andre (NEI):** Partnership with Madison Park Development Corp, Boston Housing Authority, POAH and NEI. Located in Roxbury (Ruggles and Whittier Streets and New Choice Way which completed Phase 1. 52 units/2 3-story bldgs. Davis Bacon Prevailing Wage Project monitored under the Old BRJP Ordinance Estimated 17 months of construction. Start date July 1, 2020. In buyout process. David A. Bosworth – sitework (first sub to mobilize) and Helical Drilling doing ground improvements late July/Early August. Contract value, \$22, 727.99. 31% MBE, 10% WBE and 9% Section 3 businesses. Subcontractor Engagement – Internal Pre-Con Kickoff meetings, attend weekly subcontractor coordinator meetings on-site, building relationship with individuals responsible for hiring workforce, internal prevailing wage/compliance reporting workshop before mobilization, quarterly workforce projections. Resident Engagement – attending resident meetings, flyer/posting at Flat 9 new building that replaced Whittier Phase 1, Collaboration with EmPath – Choice case managers for resident outreach. Community engagement with Madison Park High School, Madison Park Development Corp, YouthBuild Boston and other community-based organizations and partners. Walk-on Application and Hud Hiring Priority with strong focus on public housing residents and Youth Build participation as well as low-income workers. Onsite application station (1 box for blank and 1 lock box for completed applications). Applications are in English and Spanish. Applicants can go to [www.NEIGC.com](http://www.NEIGC.com) to apply online. **Commissioner Watson:** Do you have any subcontractor anticipated not being able to meet BRJP goals? **Andre:** Yes, David A. Bosworth. Our experience with them has been that equipment operators have been a tough trade to find qualified individuals available to work. We are in conversation with them on how to help hire and better meet the goals. **Commissioner Watson:** We need to take a closer look at workforce projections. If it's just about mobilization and they are out of compliance, I understand. However, if projecting not being in compliance on a project I recommend they don't start. If they do present but don't have workforce to represent, withhold payment. This isn't directed at you or an NEI project. It's over-reaching broadly. We as a Commission need to hold contractors accountable. If they tell us they will meet the requirement of the ordinance and bring certain people on the project, let's hold them to it if not, withhold payment or don't have them on the project. Please emphasize to your contractors, the Commission will be looking at workforce projections extremely closely.

**B. 201 Brookline Ave.**

**Duration 23 mins**

**Present: Brooke Woodson (Suffolk Construction), Margarita Polanco (Suffolk Construction), Peter Reilley (Suffolk Construction), Brian Meyer (Samuels & Associates), Hermant Konaja (Samuels & Associates) and Manuel Barbosa (BRJP Monitor)**

**Project Overview:**

**Brian Meyer (Samuels & Associates)**, PowerPoint/rendering. 500,000 sqft office lab and retail bldg. 14 story in the Fenway. **Peter Reilley (Suffolk)**: 27month schedule – July 2022, Construction started, Demolition and MEP prep. North of \$210,000,000 construction cost. Getting reports from trade partners the past 2 months. **Margarita Polanca (Suffolk)**: 7 trade partners on site. Under New BRJP Ordinance. Started pre-con in February, COVID19 shut that down and we are just getting back and reevaluating since people were laid off. Reengaged YouthBuild and Building Pathways. Walk-on Applications - 2 locations. Just received 2<sup>nd</sup> report a week ago. Reached out to project team to have a Corrective Action to start reevaluation. **Commissioner Watson**: recommendation to withhold payment on folks out of compliance. Particularly after COVID, it's hard to believe the residents aren't there. We need to ramp up and use the tools we have in place until we can have a more formal conversation. How has Suffolk been impacted by COVID19 in regards to effecting timeliness? **Margarita**: Challenges with trade partners in regards to people willingly being laid off to protect themselves and their families. Schedule effected by the shutdown. **Peter Reilley**: A lot of jobs are starting within weeks of each other. All trade partners are working hard to get the staffing they need. People are excited to get back to work but also trying to work with this new normal. **Brooke Woodson (Suffolk)**: We've only be able to get 1 round of reports since project reopened. We need to see a little more of a trend to see who's coming back and who isn't. **Commissioner Watson**: Thank you, duly noted. **Commissioner Cofield**: Tough conversation is going to have to come from Business Agents and from other Locals regarding people who will ride this out to the end and people getting unemployment and the stimulus money. Accountability starts with the individuals being ready to go to work when the jobs are ready or subcontractors will bring in people from other places to fill the job. A lot of our people are ready to go back to work. There are a select few that will not go back. Folks want to get back on the books for health benefits and so forth. **Margarita**: absolutely. We have changing protocols with COVID regarding safety, but those concerns are discussed. **Commissioner Cofield**: is there talk of staggered shifts? **Margarita**: Yes. **Peter Reilley**: We have thought about it. Temperature testing, and 1 hour or 2 delay between shifts, but nothing extreme. **Cofield**: do workers have any say in which shifts they are put on where childcare is concerned? **Margarita**: that is something that has been talked about with females and males. We haven't gotten too far into it?

**Public:**

**Janet Jones (Boston Jobs Coalition)**. We would like to know when will the Dot Block project start? Will the overdevelopment be just as bad as COVID for our communities of color? **Aaron Hallquist (BPDA)**: Dot Block will be monitored by Stacey Watson, JMA is GC and they have yet to pull permits. **Janet**: No other questions just hope this project stands out for fair housing and sets a precedent for DOT Block.

**Commissioner Watson**: Thank you. Look forward to seeing you at your first quarterly review.

**C. 105 West First Street**

**Duration 24 mins**

**Present: Dave Cullinane (Consigli Construction), Kacey-Ann Satchell (Consigli Construction), Darin Ball (Consigli Construction), Tim Stoll (Breakthrough Properties), Justin Miller (Tishman Speyer) and Pamela Ruffo (BRJP Monitor)**

**Project Overview:**

**Kacey Anne Satchell (Diversity and Outreach Coordinator Consigli)**: Demolition of existing RCN bldg. at 105 West First St., Boston, MA. Lab bldg. 9 flrs. Underground garage and fitness center. Lobby space and public café. Completion estimated January 2022. Leed Gold. 100% union. Old BRJP Ordinance. We take into consideration

when pulling contractor history reports to put together a plan to help subcontractor fit with resources to start off strong. Currently buying out project: Select Demo – Demo and Abatement, James W. Flett – Site work, Daniel Koury – Structural Steel, S&F Concrete- Concrete package, Masse Plate Glass and Aluminum, J C Canistraro – Plumbing and Fire Protection. **Dave Cullinane (Consigli):** Tishman Speyer very engaged with community. I worked with Tim Stoll of Breakthrough Properties, who is on this call. They wanted to develop an inclusion and diversity strategy for this project. I can share that in a separate email with you and the other Commissioners. Because this is a large project, lab and very sophisticated. Looking at 2<sup>nd</sup> tier subcontractor level MMW mix of subcontractors bringing on interns through Ace Mentoring program and Crest Real Estate program looking at inner city people of color to get them experienced on these job sites. COVID posed some challenges but we're working through that. We're working on a database of Minority and Women Owned companies that can be used beyond the construction process. **Tim Stoll (Breakthrough Properties):** most of our metrix are limited, real opportunity to get people wherever they live to see how lab works – above and beyond construction. **Commissioner Watson:** a very thoughtful comprehensive plan just layed out. Playing the role of a matchmaker isn't traditionally a GCs role, but the fact that this team is putting tools to help walk people through is a nice framework that other projects can pull from. The expectation is these folks are starting project on the right path at outset. **Commissioner Cofield:** Sounds like a good plan, continue to follow-up with onsite will be very important. Would love to talk to Consigli face to face – looking for bringing people up in the ranks. Black foreman, Latino foreman and women foreman, making sure people are trained and ready for the positions. This isn't seen a lot on sites. **Kacey:** I agree, we don't accept that as a challenge anymore. People want the economy to reflect communities we build in. **Commissioner Watson:** If mobilization crew is 2 people – a black man and a white man and they don't have a female, I wouldn't hammer someone on that. **Kacey:** We don't want to see anyone start with 2 white guys from West Roxbury. Our message is if you get someone from the Local and you like them keep them. **Commissioner Cofield:** Having conversation beforehand will eliminate taking someone off one job to make a number on another. **Kacey:** We stress starting with the right people, we don't want any pulled off and traded out. **Pamela Ruffo (BRJP Monitor):** We work hard in the pre-con to drill home making sure your core crew starts out with diversity and is retained for continuation of jobs. When the core crew doesn't have diversity it creates the negative. Masse had a female at Residential Towers and we can find out where she is. We will bring that point up in our meetings and the point of diversity in the foreman rank. **Commissioner Cofield:** Masse is a signatory and is someone you have to keep an eye on. They had a large amount of people from out of town when construction re-opened and didn't want to bring Boston Residents and minorities back. **Commissioner Watson:** My expectation is contractors are coming on in compliance and if not payment should be withheld until in compliance. I want to be very clear, if not in compliance payment withheld.

**Public:**

**Janet Jones:** Wonderful to see Consigli team, a pleasure to work with Dave and Kacey Ann in the past when I was part of Mass AOC. I'm sure all will go well on this project. **Commissioner Watson:** You guys are showing some real leadership in equity and inclusion when it's not necessarily part of the GC's role. While it's not a focus of the Boston Residents Jobs Policy now, if you don't have MBEs/WBEs in contracts they are not utilized and the fact that you are creating a system to address this issue is commendable. Looking forward to the first quarterly review. Thank you.

**III. PROJECT REVIEWS**

**A. Haynes House Renovations**

**Duration: 21 mins.**

**Present: Katrina Conrad (Madison Park Development), Ben Baldwin (Madison Park Development), Scott Borgis (Dellbrook JKS), Manuel Barbosa (BRJP Monitor)**

**Project Overview:**

75,532 wkhrs, 39%BR, 73%POC, 8%F

**Manuel Barbosa (BRJP Monitor):** 70% complete, New BRJP Ordinance. Tara will be called in for Corrective Action within next few weeks. It was delayed due to COVID. 35 new hires. Katrina has been very engaged.

**Commissioner Watson:** From thirty-thousand foot level, lots of good things. Commend verification of 100%. 35 hires outstanding. I'm past Corrective Action meetings with Tara. I often hear Commissioner Cofield say there are workers available and I believe him. 317,000 wkhrs since 2014 - 2020 31% BR and 3%F. How many CA's will we have before we change our approach. What we are doing is not working. Without the information to know who are in the local unions – how are we to determine whether there were people available for them to be in compliance. Until we have the data we need to ramp up efforts to hold people accountable. **I recommend - preclude Tara for a period of up to 3 years.** NG Environmental – job well done (let them know I said so), **Middlesex Glass – 5 BRJP projects – meeting less than half of goals, I recommend precluding for period of up to 3 years.** **Williams Electric – 1<sup>st</sup> BRJP project – Boston Residents, Women – they should reach out to BRJP and create a plan, Anchor Insulation - 11,000 wkhrs since 2014 - 12% Boston Residents – preclude for period up to 3 years.** **Commissioner Cofield:** Major concerns with Tara being a local minority contractor should be doing better but should they be excluded – they're a lot more that have done worst. **Commissioner Watson:** My comment is a recommendation. **Commissioner Cofield:** When we see numbers are low we should be making calls to people like myself (BA) too. **Katrina:** Maybe we need to pull the last couple of meetings I've brought up the problems with Tara several times to your attention. **Commissioner Cofield:** I know we see each other here and there but please give me a call. **Commissioner Watson:** This is the contractor's responsibility. A call is helpful, but Katrina calling is not the issue. Given the amended job ordinance and the time allowed to adjust to the new ordinance. Every effort that this Commission has put in front of Pedro/Tara has not worked. This is not about others who are worst. The standard is the standard. We must hold contractors accountable to the contracts they signed. This is a pattern. **Commissioner Cofield:** I understand. We can agree to disagree.

## Public

**Janet:** I think it is time to step up the game. When it goes on and on and no effort to change to meet the standards.

**Commissioner Watson:** I want to reemphasize it's crucial that the Commission look at each contractor on each project and look at the history of work. Everyone has a bad day or a bad project, but if it's a repeated history then intervention needs to take place.

### B. Hearth at Four Corners

**Duration: 15 mins.**

**Present: Dan Bearse (DF Pray), Mark Hinderlie, Rikki Carlson (DF Pray), Ann Conway (DND), Robert Woodson (BRJP Monitor)**

#### **Project Overview:**

Project 40% Complete  
10,326 wkhrs - 19%BR, 53%POC, 4%F

**Robert Woodson (BRJP Monitor):** Project not meeting current employment standards relative to Boston residents and Female workforce participation. 4 of 17 residents remain unverified. Overall average payroll submission is at 12 days. Commend Rikki Carlson, she has submitted outstanding Boston Resident Verifications. Average payroll is 7 days, however, one contractor, Patriot Contracting's payroll submission is over 30 days which has contributed to project's negative payrolls. **Commissioner Watson:** Reads Hearth's website, July 25, 2018 description of award. Amazing description of project Mark! Unfortunately, a gray gloom cloud with this project. I'm tired of projects not adhering to the Boston Resident Jobs Policy. This Commission has been patient with projects and contractors understanding the amended jobs ordinance. After reading Robert's report, projects in violation of 7 compliance efforts are fined per the Determination Rubric and allowed 45 days to correct any discrepancies. Robert, please let the Commission know when the 45 days has been reached. **Robert:** It is at 33 days currently. All other subcontractors are under the 7-day threshold. **Commissioner Watson:** When at 45 days, a violation should be issued and that's straight from the ordinance. The overall numbers are brutal., it doesn't appear DF Pray is leading the effort with subs and I don't see work history within the City of Boston. From a GC standpoint

what has your relationship been? **Robert:** this is 2<sup>nd</sup> project with DF Pray. There has been turnover. In comparison to other regime, performance and engagement has increased. However, these are majority repeat contractors who are familiar with the requirements of the BRJP. **Commissioner Watson:** I try to be fair and understand if sub is performing a highly specialized trade, that's one thing, on the other hand, to repeat players, who have worked on BRJP projects: **Wayne Griffin – 16%BR, 31%POC, 0%F – Since 2016, 7 BRJP projects @ 47,259 wkhrs, 19%BR, 27%POC, 4%F** and their work on the Boston Public Library – 45 employees, 0.2% BR, 3.5% POC, 0% F. This speaks to either incompetence or no regard for equity and inclusion. **If not in compliance at the completion of the project, I recommend Wayne Griffin be precluded for award of municipal contracts up to 3 years. Genesis Utility – 8 people and not one minority. 0 women. In light of the Black Lives Matter awakening we are living through and as a Black American first and the Chairman of this Commission, I interpret those actions as White contractor aggression. If not in compliance at the completion of the project, I recommend Genesis Utility be precluded for award of municipal contracts up to 3 years. New England Framers (3 BRJP projects), Seaside Masonry (1<sup>st</sup> BRJP project) and HB Welding (4 BRJP Projects), I'd like to hear their challenges on hiring Boston residents and women in light of their low performance in those categories.** I'd like to see us move to a place where if contractors' workforce projections are not in compliance with the standards, they not get the work or be able to begin work and if they have a plan in compliance but the workforce doesn't reflect the plan, payments should be withheld. This project is one of the most disappointing I have reviewed in the past couple of years. **All I have to say is do better! Commissioner Cofield:** You said it well.

**Public:**

**Janet Jones (Boston Jobs Coalition):** Way past time to hold these subcontractors to their contract. Why bid, they know what workforce they have and if they don't or if it's tied up somewhere else, then NO for the next project. They have been getting away with this way too long.

**Commissioner Watson:** Is this project coming back for another review? **Robert:** typically it would not being at 45% complete, but it's up to you. **Commissioner Watson:** Does Genesis and Wayne Griffin still have work? **DF Pray:** Genesis and Griffin still have work on the project. **Commissioner Watson:** Robert, I will leave it to your professional opinion. If there is 0 change from Genesis or Wayne, I'll leave it to you and the BRJP team to determine most appropriate format for a revisit of this project to take place. **Robert:** We'll see what direction the project is trending and after a 45-day period make a determination.

Thank you very much. We've concluded the projects.

**IV. DIRECTOR'S REPORT:**

**Duration: 4 mins.**

**Celina (Equity and Inclusion Director):** Thank you to all the presenters that came with us on this virtual journey. It's not the same as being in City Hall all together. I want to thank everyone for the commitment to the program and the steps you took to be here today. We understand your industry has been disproportionately impacted by the COVID19 pandemic and you have had to adjust to new ways to do the business. A lot of you had projects suspended and now getting back on your sites and preparing site safety plans. We appreciate your commitment to employing local residents and ensuring their safety so they can both work and go home at night and not worry about being sick or getting their family sick. We have created an online workshop to prepare a COVID site safety plan at [boston.gov/econdev](http://boston.gov/econdev) or [boston.gov/isd](http://boston.gov/isd). If you have any questions about resources, please visit those websites. We have transitioned to Salesforce. A contractor has been brought on this week to help us with the transition to make sure we have reporting necessary. Having the data their will make it easier to coordinate virtually and stay on top of these numbers. We are committed to the mission of the BRJP program and we do have tools in place to take action when we see contractors that are not on board with this policy and program and I appreciate the Commissioners commitment to leveraging those tools. It's important to do that moving forward. You will notice we have a few Commissioners missing. Commissioner Wright has moved away and Commissioner Everett has stepped down since we last met. We have two vacancies on the Boston Employment Commission we will be addressing shortly. No further updates at this time.

**Director's report accepted.**

**Hearing adjourned at 2:59 pm.**